

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

WP(C).No. 3323 of 2007(U)

PETITIONER:

1. GOPINATHA KINI, AGED 71 YEARS,
POOMANGALATH HOUSE, KUTHIATHODU VILLAGE,
ALAPPUZHA DISTRICT.
2. SOBHA, AGED 38 YEARS,
D/O. GOPINATHA KINI, ERANHIPARAMBIL THAMPAN MADHOM
KANNANKULANGARA, TRIPUNITHURA.

BY ADV. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENTS:

1. SUPERINTENDENT OF POLICE, ALAPPUZHA.
2. THE SUB INSPECTOR OF POLICE,
KUTHIATHODE POLICE STATION, ALAPPUZHA DISTRICT.

BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 3323 of 2007(U)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE COMPLAINT DATED 7.8.2006 FILED BY THE 1ST PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P2: TRUE COPY OF THE WOUND CERTIFICATE ISSUED BY THE COMMUNITY HEALTH CENTRE, THURAVOOR.

EXT.P3: TRUE COPY OF THE INTIMATION GIVEN TO THE 2ND PETITIONER DATED 6.7.2006 BY THE ASST.SURGEON, COMMUNITY HEALTH CENTRE, THURAVOOR.

EXT.P4: TRUE COPY OF THE COMPLAINT FILED BY THE 2ND PETITIONER BEFORE THE 1ST RESPONDENT DATED 14.10.06.

EXT.P5: TRUE COPY OF THE COMPLAINT FILED BY THE 1ST PETITIONER BEFORE THE 2ND RESPONDENT DATED 25.1.2007.

EXT.P6: TRUE COPY OF THE POSTAL ACKNOWLEDGMENT CARD.

/TRUE COPY/

P.A TO JUDGE

R.BASANT, J

W.P(C).No.3323 of 2007

Dated this the 22nd day of March, 2007

JUDGMENT

The respondent has filed a statement. The statement reveals that a crime has now been registered as Crime No.84 of 2007 of Kuthiathode Police Station on the basis of the complaint lodged by the petitioner. The petitioner has a further grievance now that the F.I.R has been registered for the offence punishable under Section 323 read with 34 I.P.C only and that, as a matter of fact, crime must have been registered and investigated of the offence punishable under Section 354 I.P.C also. The learned Public Prosecutor on the basis of the statement given by the petitioner contends that the statement does reveal only the offence punishable under Section 323 I.P.C. The learned counsel for the petitioner on the other hand submits that Ext.P4 complaint reveals the offence punishable under Section 354 I.P.C also. In Ext.P4, complaint is raised against inaction of the police on the earlier complaint filed.

2. There cannot be a grievance, on the basis of the statement which has now been registered as the F.I statement, that the offence under Section 354 I.P.C is also specifically revealed. However, the petitioner can give statement before the Investigating Officer and if in the course of investigation any other offence is revealed, necessary

and suitable action shall be taken by the Investigating Officer.

3. The petitioner has no other grievance also. In these circumstances, I am satisfied, that no further directions need be issued in the matter. This Writ Petition is, in these circumstances, dismissed with the above observations.

(R.BASANT, JUDGE)

rtr/-